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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SANOFI PASTEUR, INC., f/k/a AVENTIS PASTEUR, INC., and Cargo Insurers,

Plaintiff,

07 Civ. 6354 (BSJ) (FM)

- against -

KUEHNE & NAGEL, INC.; KUEHNE &

NAGEL, S.A.; EXCLUSIVE TRANSPORTATION FOR INDUSTRY. INC.; CONTINENTAL AIRLINES, INC.:

Defendants.

KUEHNE & NAGEL, INC.

Third-Party Plaintiff,

-against-

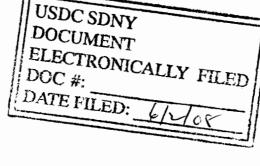
SOUTHWEST AIRLINES CO.

Third-Party Defendant.

STIPULATION & ORDER OF DISCONTINUANCE

An agreement to recommend settlement having been reached, it is hereby stipulated and agreed that this action including all cross-claims, third-party claims, and claims for indennity, is discontinued as to all parties pursuant to Rule 41 (a) (1) (ii) and (c) Federal Rules of Civil Procedure, with each party to pay its own costs and attorneys

fees.



07 Civ. 6354 (BSJ) (FM) Stipulation & Order of Discontinuance Page 2

It is further stipulated and agreed that, if the settlement is not consummated within thirty (30) days of the entry of this order, this action will be restored to the active docket of this Court upon letter application of plaintiffs' counsel;

It is further stipulated and agreed that upon payment of the total agreed settlement funds to plaintiffs, this action will be deemed dismissed on a with-prejudice basis.

Dated: New York, New York

Way _____, 2008

Wire 2,

SO ORDERED

UNITED STATES DISPRICT JUDGE

LAW OFFICES, DAVID L. MAZAROLI

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CONTINENTAL AIRLINES, INC.

and Third-Party Defendant

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